

MELISSA GREENE, )  
 )  
 Plaintiff, )  
 )  
 v. ) No. 4:08CV1830 ERW  
 )  
 TARRY GREENE, )  
 )  
 Defendant. )

This matter is before the Court on defendant's removal of this action from Tennessee state court. Upon review of the state court documents, it is apparent that this Court lacks subject matter jurisdiction over this case. As a result, the Court will remand this action back to the Court from which it was removed.

Defendant now seeks to remove the Tennessee case to this Court. Defendant claims that plaintiff kidnapped their children and took them to Tennessee. Defendant claims that the Tennessee court is violating his constitutional rights because it is

enforcing an Order of Protection against him even though he does not live in Tennessee.

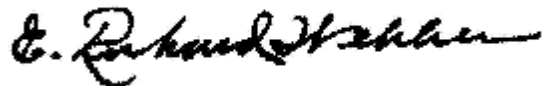
Under 28 U.S.C. § 1441(a), an action is removable from state court to federal court only where the federal court has “original jurisdiction.”

The federal courts lack subject matter jurisdiction over cases involving family relations. Kahn v. Kahn, 21 F.3d 859, 861 (8th Cir. 1994). As a result, cases involving disputes over child custody or protection are not removable from state court to federal court.

Accordingly,

**IT IS HEREBY ORDERED** that this action is **REMANDED** to the Tennessee Circuit Court, Hamilton County.

Dated this 2nd Day of December, 2008.



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E. RICHARD WEBBER  
UNITED STATES DISTRICT JUDGE